

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

International Application No. : PCT/EP2003/014330
 International Filing Date : December 16, 2003
 U.S. Serial No. : 10/539,257
 Deposit Date U.S. Nat'l Phase : June 16, 2005
 Priority Date(s) Claimed : December 16, 2002
 Applicant(s) : Herbert SCHWARZ et al.
 Title: USE OF CD137 ANTAGONISTS FOR THE TREATMENT OF TUMORS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
 UNDER 35 U.S.C. § 371
 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 11213-1450

Sir:

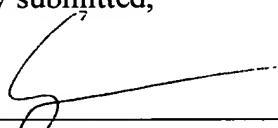
In response to the Notification of Missing Requirements dated November 30, 2005:

- ☒ Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of \$65.00
- ☒ Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No.).
- ☒ Attached is a copy of the Notification of Missing Requirements.
- ☐ Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one/two/three/four/five month(s) along with the fee of .
- ☒ Applicant(s) are entitled to small entity status.
- ☒ Attached is a certified copy of German Application No. 02 028 264.6 filed on December 16, 2002. Acknowledgment of receipt of this document is hereby requested.
- ☒ Applicant(s) note that second inventor Margarethe WITTMANN's address changed to Am Hasensprung 28, 60437 Frankfurt/Main , GERMANY.
- ☐ Applicant(s) include the extra claims fee of \$ for claims in excess of 20 per additional claim, for independent claims in excess of 3 per additional claim, and/or for multiple dependent claims.

- ☐ Attached is the Sequence Disclosure (paper/disk versions) with the appropriate statement as required
- ☐ Attached is an Application Data Sheet (ADS).
- ☐ Attached are the substitute drawings as required.

Attached is a check in the amount of \$65.00. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402.

Respectfully submitted,



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Attorney Docket No.: HABERMANN-1

Date: January 30, 2006

02/01/2006 MKAYPAGH 00000066 10539257

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UNITED STATES PATENT AND TRADEMARK OFFICE

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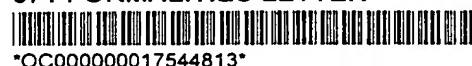
U.S. APPLICATION NUMBER NO. 10/539,257	FIRST NAMED APPLICANT Herbert Schwarz	ATTY. DOCKET NO. HABERMANN-1
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23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

CASE _____
RESP TO NM/2
1.30.06

INTERNATIONAL APPLICATION NO. PCT/EP03/14330	
I.A. FILING DATE 12/16/2003	PRIORITY DATE 12/16/2002

CONFIRMATION NO. 5164
371 FORMALITIES LETTER



Date Mailed: 11/30/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/16/2005
- Preliminary Amendments filed on 06/16/2005
- Information Disclosure Statements filed on 06/16/2005
- Biochemical Sequence Diskette filed on 06/16/2005
- Biochemical Sequence Listing filed on 06/16/2005
- Small Entity Statement filed on 06/16/2005
- Request for Immediate Examination filed on 06/16/2005
- U.S. Basic National Fees filed on 06/16/2005
- Priority Documents filed on 06/16/2005

CASE _____
ACTION _____
DATE _____

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

12/15
12.2.05

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,257	PCT/EP03/14330	HABERMANN-I